

EXHIBIT B

Durbin, Pamela (CMS/CM)

From: Connie Modahl <Connie.Modahl@noridian.com>
Sent: Friday, January 28, 2022 8:36 AM
To: Keyser, Linda (HHS/OGC); Durbin, Pamela (CMS/CM)
Cc: JDExecutive; Jacobs, Karen N. (CMS/CM); Kaiser, Joel E. (CMS/CM)
Subject: RE: Questions: Olsen Jeremy; 21cv00326 - EJR Request and Claims Not Paid

Good Morning Linda,

The following are 14 CGM claims that have been submitted, reopened and paid for Mr. Olsen since May 2018.

| CCN | Date of Service | Paid Date | Amount Paid |
|----------------|-----------------|------------|-------------|
| 18137823767001 | 03/15/2018 | 07/22/2021 | \$1,300.66 |
| 18172844803001 | 06/05/2018 | 07/15/2021 | \$1,300.66 |
| 18283843973001 | 09/27/2018 | 07/15/2021 | \$1,300.66 |
| 19008817632001 | 01/04/2019 | 07/15/2021 | \$1,300.66 |
| 19112897095001 | 04/19/2019 | 07/15/2021 | \$1,430.72 |
| 19210873889001 | 07/08/2019 | 07/15/2021 | \$1,430.72 |
| 19296845388001 | 10/21/2019 | 07/15/2021 | \$1,430.72 |
| 20031822855001 | 01/28/2020 | 07/15/2021 | \$1,430.72 |
| 20139845927001 | 05/15/2020 | 07/15/2021 | \$1,459.92 |
| 20230855617001 | 08/12/2020 | 07/15/2021 | \$1,459.92 |
| 20330841967001 | 11/23/2020 | 07/15/2021 | \$1,459.92 |
| 21076836253001 | 03/10/2021 | 07/15/2021 | \$1,459.92 |
| 21204829122001 | 07/20/2021 | 08/03/2021 | \$1,459.92 |
| 21288839976002 | 10/13/2021 | 12/27/2021 | \$1,459.92 |

AC / WP

I am not able to view MSNs online, so you should be able to compare the MSN list to my list. The October MSN list will show 13 claims that were paid during that MSN cycle. The one claim that was reopened in December will be on the next mail cycle of MSNs.

Thank you,

Connie Modahl
DME Manager, DME MAC Jurisdictions A & D
Claims Processing
NORIDIAN HEALTHCARE SOLUTIONS LLC, FARGO
701-433-3026 (work)
Connie.Modahl@noridian.com
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From: Keyser, Linda (HHS/OGC) <Linda.Keyser@hhs.gov>
Sent: Thursday, January 27, 2022 6:05 PM
To: Connie Modahl <Connie.Modahl@noridian.com>; Durbin, Pamela (CMS/CM) <Pamela.Durbin@cms.hhs.gov>
Cc: JDExecutive <JDExecutive@noridian.com>; Jacobs, Karen N. (CMS/CM) <Karen.Jacobs@cms.hhs.gov>; Kaiser, Joel E. (CMS/CM) <Joel.Kaiser@cms.hhs.gov>
Subject: RE: Questions: Olsen Jeremy; 21cv00326 - EJR Request and Claims Not Paid
Importance: High

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Hi Connie and/or Pamela,

The below is from the Complaint in this case, which we are now answering.

AC / WP

AC / WP

From: Connie Modahl <Connie.Modahl@noridian.com>
Sent: Wednesday, December 22, 2021 11:01 AM
To: Durbin, Pamela (CMS/CM) <Pamela.Durbin@cms.hhs.gov>
Cc: JDExecutive <JDExecutive@noridian.com>; Keyser, Linda (HHS/OGC) <Linda.Keyser@hhs.gov>; Jacobs, Karen N. (CMS/CM) <Karen.Jacobs@cms.hhs.gov>; Kaiser, Joel E. (CMS/CM) <Joel.Kaiser@cms.hhs.gov>
Subject: FW: Questions: Olsen Jeremy; 21cv00326 - EJR Request and Claims Not Paid
Importance: High

Good Morning Pam and all,

I reviewed this beneficiary's claim history. All the claims from your original July communication were reprocessed correctly.

However, a new claim (CCN 21288839976001) was submitted for the sensors for service date 10-13-2021 for \$1824.90 and was incorrectly denied. At the time of your original July email, I had a flag added to this beneficiary's file to suspend any claims for these sensors. I did this because the VMS system is hard coded to deny this HCPCS A9276. This code is non-covered; however, we have been instructed in certain cases to pay this code when CMS advises us due to a court order.

The claims associate should have changed the submitted code to a "not otherwise classified" code to allow it to be manually allowed and processed. Unfortunately, she did not change the code, and the system denied the claim. The associate has been re-educated on the need to change the code in this unique situation.

I apologize for this error. The claim will be reprocessed to allow. I also noticed that the supplier submitted an appeal for this denial. I will alert the appeals leader that the appeal is not necessary- this was a contractor error that we will correct.

Would CMS like me to call the beneficiary to explain what we are doing to correct the error? I can also give him my direct contact info for any needed communication going forward?

Thank you.

P.S. There was another denial on file, but it was because the supplier submitted a duplicate claim, no reprocessing is needed.

Thank you,

Connie Modahl
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From: Durbin, Pamela (CMS/CM) <Pamela.Durbin@cms.hhs.gov>
Sent: Wednesday, December 22, 2021 5:47 AM
To: JDExecutive <JDExecutive@noridian.com>
Cc: Keyser, Linda (HHS/OGC) <Linda.Keyser@hhs.gov>; Jacobs, Karen N. (CMS/CM) <Karen.Jacobs@cms.hhs.gov>; Kaiser, Joel E. (CMS/CM) <Joel.Kaiser@cms.hhs.gov>
Subject: Questions: Olsen Jeremy; 21cv00326 - EJR Request and Claims Not Paid

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Good Morning JD,

Please see the attached case for Jeremy Olsen. Did JD act timely on their EJR request? Please help me understand why his claims weren't covered. It is my understanding they should have all been paid.

Please respond to everyone on this email.

Thank you!

Respectfully,
Pamela Durbin

Contracting Officer's Representative
DME MACs JA and JD
Cell: 443-821-4225
Pamela.durbin@cms.hhs.gov



The above technical guidance is not to be construed as a change, or intent to change, the scope of work under the contract. It is to be acted upon only if it falls within the general scope of the contract and sufficient funds are available. Please see Section I, FAR 52.232.20, Limitation of Cost, and FAR 52.243-7, Notification of Changes.

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